United Nations A/C.6/72/SR.6

General Assembly
Seventy-second session

Official Records

Distr.: General
31 October 2017

Original: English

# Sixth Committee

**Summary record of the 6th meeting**
Held at Headquarters, New York, on Thursday, 5 October 2017, at 10 a.m.

| | | |
|---|---|---|
| *Chair:* | Mr. Gafoor | (Singapore) |
| *later:* | Ms. McDougall | (Australia) |

## Contents

Agenda item 84: The rule of law at the national and international levels (*continued*)

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Management Section (dms@un.org), and incorporated in a copy of the record.

*Corrected records will be reissued* electronically on the Official Document System of the United Nations (http://documents.un.org/).

17-17561 (E)

Please recycle

*The meeting was called to order at 10.10 a.m.*

**Agenda item 84: The rule of law at the national and international levels** (*continued*) (A/72/86 and A/72/268)

1. **Mr. Tang** (Singapore) said that his country had always been a firm supporter of the rule of law at the national and international levels. With regard to the subtopic for discussion at the current session (Ways and means to further disseminate international law to strengthen the rule of law), his delegation acknowledged the important role played by the Office of Legal Affairs. In that connection, the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law provided a key platform by which international law was disseminated. Singapore participated in that important work as a member of the Programme's Advisory Committee.

2. The Singapore Cooperation Programme, the country's primary platform for delivering technical assistance, had been conducting capacity-building programmes on international law since 2006. A dedicated "Law and Judiciary" cluster had been established under the Programme's regular calendar programmes to focus on such issues. Plans were under way to launch another international law training programme in 2018, further details of which would be announced at a side event on the rule of law, to be organized by Singapore during International Law Week. Singapore had worked closely with academia and think tanks in running its training programmes.

3. The United Nations Audiovisual Library of International Law provided an excellent platform for disseminating and receiving information on international law rapidly and cost-effectively via the Internet. Singapore supported the Library's continuation and further development.

4. His delegation reaffirmed the importance of registration and publication of treaties. On 25 September 2017, in accordance with the obligation of Member States under Article 102 of the Charter of the United Nations to promote public awareness of international agreements entered into between Members States, Singapore and Indonesia had jointly registered the Treaty between the Republic of Singapore and the Republic of Indonesia relating to the delimitation of the territorial seas of the two countries in the eastern part of the Strait of Singapore.

5. His Government supported the Secretary-General's efforts to make United Nations rule of law assistance more effective and coherent. As noted in the Secretary-General's report (A/72/268), important aspects of the rule of law cut across all 17 Sustainable Development Goals under the 2030 Agenda for Sustainable Development. There was therefore a need to ensure coherence and avoid duplication even as the Organization sought to do more to support the implementation of the rule of law elements of that universal agenda. The rule of law must also be approached and applied with due regard for local actors and practical realities, in order to achieve good governance and promote the welfare of the people. Singapore welcomed the efforts of the Secretary-General and his team to consult widely and would be happy to support such efforts using platforms such as the Forum of Small States.

6. Singapore agreed with the Secretary-General's observation regarding the peaceful settlement of international disputes through adjudication at the international level. In that connection, it was pleased that the Permanent Court of Arbitration would be establishing an office in Singapore for hearings held in Singapore and Asia.

7. His delegation agreed with the observation in the Secretary-General's report that partnerships could play an important role in advancing cooperation and improving results. Transnational challenges called for transnational solutions. Regional organizations provided an excellent platform for international partnership and cooperation; they were an important part of an effective multilateral rules-based system, helped to reinforce the principles of the Charter and underpin international law at the regional level, and contributed to building confidence and encouraging cooperation. One such regional organization, the Association of Southeast Asian Nations (ASEAN), had worked since its inception to build an inclusive, rules-based community. Such models of regional cooperation were integral to supporting and strengthening the rule of law at both the regional and the international levels.

8. Small States like Singapore, which made up more than half of the States Members of the United Nations, depended on a rules-based multilateral system for their survival and success. They had made significant contributions to the international community and could play an even greater role, provided they continued to work together and stayed united in their strong support for the United Nations and the multilateral rules-based system.

9. **Mr. Meza-Cuadra** (Peru) said that his Government acknowledged the decisive contribution of the United Nations to the promotion of a system grounded in the rule of law, the basis for peaceful and equitable relations between States. Peru had

unswervingly promoted multilateralism, the rule of law and the peaceful settlement of disputes. Human rights, the rule of law and democracy formed part of the fundamental values and principles that ensured lasting solutions to differences.

10. Peru contributed to the codification of a multilateral legal framework through its participation in multilateral treaties. It had recently signed the Treaty on the Prohibition of Nuclear Weapons and ratified the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. It had sponsored General Assembly resolution 71/248, establishing the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, and Security Council resolution 2379 (2017) on accountability for crimes in Iraq. That reflected the priority which his Government attached to exhaustively documenting alleged atrocities.

11. At the national level, his Government had introduced a new policy to combat corruption, in line with Sustainable Development Goal 16. Peru would host the Eighth Summit of the Americas, on the theme "Democratic Governance against Corruption", in April 2018 in Lima.

12. With regard to the subtopic for discussion at the current session (Ways and means to further disseminate international law to strengthen the rule of law), Peru supported the various activities sponsored by the United Nations to disseminate the rule of law. It was committed to cooperating with the United Nations Audiovisual Library of International Law and the continuing dissemination in Peru of the United Nations-Nippon Foundation of Japan Fellowship Programme for the law of the sea.

13. Peru underscored its commitment to pluralist democracy based on the rule of law and respect for human rights, in line with the further development of the linkages of the rule of law and the three pillars of the United Nations: peace and security, human rights and development.

14. **Mr. Umasankar** (India) said that laws based on the principles of justice and fairness, if enforced, reduced conflict and provided for predictability of interactions at both national and international levels. Although the rule of law already governed States' actions to a large measure in many areas, including trade, investment and intellectual property; transport and communications; maritime and aviation laws; telecommunications; use of the global commons, such as seas and oceans; environment and climate change; outer space; and even normative frameworks on human rights, its enforcement at the international level still posed difficulties.

15. Owing to narrow geopolitical interests, some States were preventing progress on a draft comprehensive convention on international terrorism. The issue continued to be inadequately addressed.

16. In India, the world's largest democracy based on the rule of law, the independence of the judiciary, legislature and executive, together with a free media and civil society with strong traditions of electoral democracy, were the foundation for the rule of law. India had engaged actively in international efforts to develop norms, standards and laws governing global interactions across various sectors, and it believed in the peaceful settlement of international disputes in accordance with the law.

17. India was working to bring its domestic legislation into line with its international obligations. Over the past year, it had ratified the Paris Agreement under the United Nations Framework Convention on Climate Change and had acceded to the Doha Amendment to the Kyoto Protocol and to the Customs Convention on the International Transport of Goods under cover of TIR Carnets. Over the same period, it had enacted nearly 20 new laws, including on mental health, the rights of persons with disabilities, goods and services tax, national waterways and hijacking.

18. India had contributed to the Residual Special Court for Sierra Leone to enable the Court to carry out its functions effectively. It supported the efforts to address sexual exploitation and abuse in United Nations operations and had helped to strengthen the Organization's capacities for tackling the problem and assisting the victims. It had also partnered with fellow developing countries in capacity-building efforts in the areas of electoral practices, drafting of legislation and law enforcement.

19. Effective multilateralism and the rule of law at the international level required that global governance structures should reflect contemporary realities. The current United Nations structures had been designed by a handful of States for a bygone era. To maintain legitimacy and effectiveness, it was important to undertake a fundamental reform of those structures, in particular the Security Council.

20. **Mr. Al Arsan** (Syrian Arab Republic) said that the international community had been striving for decades to ensure that all States respected international law. Weak points should be identified in order to find the

right solutions, so that the rule of law could reign without selectivity.

21. The rule of law was indivisible. It was inadmissible to focus on some principles of the rule of law while ignoring others, whether at the national or the international level. The Charter of the United Nations, State sovereignty and non-interference in the internal affairs of States, the peaceful settlement of disputes, combating foreign occupation and terrorism, and maintaining international peace and security were the cornerstones of international law. The experience and crises in many countries had shown that challenges to respect for international law were not due to a lack of machinery or international instruments, but to double standards, selectivity and the approach of certain influential States that believed that they could interpret and apply international law in such a way as to ensure their hegemony over weaker States and that they could impose their views through the threat or use of force, invoking an erroneous notion of international law and politicizing legal and humanitarian principles to serve their own narrow interests, in violation of the Charter.

22. The crisis in Syria was an example of flagrant interference in the internal affairs of a State and was a threat to the country's national stability, security and territorial integrity. The Governments of certain States, and everyone knew who they were, supported, financed and armed radical terrorist elements and enabled thousands of foreign terrorists to enter Syria. Such action did not really constitute respect for the rule of law and the principles of international law and of the Charter. The fact that certain Governments and secret services brought foreign terrorists into Syria did not really represent the implementation of national and international law. The unilateral measures imposed on Syria and other countries by certain States did not really constitute respect for international law and the promotion of friendly relations among States and of development for all.

23. There could be no talk of respect for the rule of law in the face of the war crimes, crimes of aggression and crimes against humanity committed by the Israeli occupying Power against persons in occupied countries seeking to end the occupation. All those actions constituted a violation of the principles and very foundation of international law, the Charter, the Declaration on Friendly Relations among States, international counter-terrorism instruments and the right of people to a decent life free from the threat of terrorism.

24. With regard to the rule of law at the national level, the authorities in Syria, despite terrorism and the other challenges facing the country, were legally accountable for their actions in working to restore security and stability. They enforced national laws against all persons who had been involved in certain actions.

25. It was important to focus on ensuring the effectiveness of mechanisms within the United Nations in a balanced fashion without any political or financial polarization so that all States respected international law, the principles of the United Nations and the rule of law at the national and international levels. The provision of technical assistance in that regard should not be used to bring political pressure to bear, nor could it serve as a pretext for interfering in the internal affairs of States or violating State sovereignty.

26. His delegation drew attention to document A/71/799, containing a letter addressed by his Government to the Secretary-General with regard to General Assembly resolution 71/248, which had established a so-called independent mechanism, in violation of the Charter. Many Member States supported the position of Syria on that question.

27. **Mr. Omar** (Brunei Darussalam) said that respect for the rule of law was essential to maintaining peaceful coexistence and good relations among States. It provided an important link between the three pillars of the United Nations in promoting international peace and security together with social and economic development. His Government supported the leading role of the United Nations in coordinating efforts at the global level to strengthen the rule of law. The United Nations also reinforced the rule of law at the national level in the Member States through its work in the areas of peacekeeping, disarmament and good governance.

28. Brunei Darussalam was firmly committed to upholding the purposes and principles of the Charter of the United Nations in the maintenance of international peace and security. The rule of law was of the utmost importance, especially in terms of its linkages between national and international norms.

29. Brunei Darussalam benefited greatly from the invaluable support rendered by the Office of Legal Affairs through the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. The regional courses in international law for Asia-Pacific and the Geneva seminars on international law were particularly useful.

30. The United Nations Audiovisual Library of International Law was another readily accessible and helpful tool under the Programme. His delegation encouraged the Office of Legal Affairs to continue its

efforts to ensure that the extensive materials provided under that resource were regularly updated, and it suggested that the Office should widen coverage of meetings and events.

31. The dissemination of international commercial law was another way in which the rule of law could be further strengthened. Brunei Darussalam had elaborated domestic legislation in several areas based on the model laws of the United Nations Commission on International Trade Law (UNCITRAL). The International Arbitration Order 2009 had given legal effect to the UNCITRAL Model Law on International Commercial Arbitration (1985), and the provisions of the Electronic Transactions Act (Chapter 196), enacted in 2000, were generally consistent with the UNCITRAL model laws on e-commerce and electronic signatures.

32. Brunei Darussalam was also participating in the ASEAN Law Ministers Meeting, the Commonwealth Law Ministers Meeting and the annual session of the Asian-African Legal Consultative Organization. His country remained committed to working closely with the United Nations, Member States and other partners to ensure compliance with the rule of law so as to maintain peace and security, both regionally and internationally.

33. **Mr. Ly** (Senegal) said that it was more important than ever to ensure that both State authorities and private citizens respected the limits set by law, in conformity with the values of democracy and fundamental rights and the principles of an independent and impartial judiciary and access to an equitable system of justice. The rule of law, the cornerstone of modern constitutional democracy, was of crucial importance in putting an end to atrocity crimes and ensuring that the perpetrators were held accountable for their acts.

34. His delegation welcomed the new focus in the report of the Secretary-General (A/72/268) on ensuring the full implementation of the rule of law at the national and international levels, in particular with regard to access to justice for marginalized groups and the promotion of a culture of lawfulness at the national level. Accordingly, the Senegalese Minister of Justice had put in place a system of community justice centres to facilitate access to justice, which disseminated legal information, promoted alternative means of dispute settlement and made it easier for citizens to obtain certain official documents. Such services were free of charge with minimal formalities. The use of local languages further reduced barriers to access.

35. Senegal had also established offices to provide legal advice, a centre to strengthen the rule of law and the fight against corruption, a mechanism for the signing of good conduct and integrity agreements, and an independent administrative authority to combat fraud and corruption.

36. His delegation endorsed the call in the Secretary-General's report for the United Nations to continue to facilitate the development and promotion of an international framework of legally binding norms to advance accountability for international crimes, encourage humane and fair criminal justice systems, safeguard against environmental degradation and prevent human rights violations.

37. An international order based on the rule of law was a prerequisite to creating a more equitable world and ensuring the peaceful settlement of disputes between States; however, efforts to strengthen the rule of law entailed reinforcing the three pillars of the United Nations while bearing in mind the principle of equality and respect for cultural and religious particularities.

38. The International Criminal Court had an important role to play in combating impunity and promoting the rule of law, hence the need for universal accession to the Rome Statute.

39. **Mr. Essa** (Libya) said that the promotion of the rule of law at the national and international levels was an essential element for peaceful coexistence and the guarantee of individual freedoms and respect for human rights. Strengthening the rule of law was a keystone of efforts to respond to challenges at the national and international levels, such as violent crimes and terrorism, and to promote international security, sustainable development and the protection of human rights and fundamental freedoms. The rule of law also played a major role in building peace, strengthening post-conflict societies and consolidating the prevention of impunity.

40. The promotion of the rule of law required respect for the commitments arising from international instruments, including the Charter of the United Nations. The courts, mechanisms and conditions created under the Charter guaranteed non-selectivity, non-interference in internal affairs, avoidance of double standards, respect for the rights of people to self-determination, freedom from outside interference, access to international remedies and opposition to impunity and terrorism.

41. His delegation stressed the importance of the peaceful settlement of disputes and the use of the mechanisms established in the framework of international law, including the International Court of Justice and the courts established by treaties. Knowledge of the law was an important measure for

strengthening the rule of law, preventing certain offences and promoting peace and stability; it was thus crucial to disseminate all aspects of the rule of law by building the capacities of States, at their request, and by respecting the political, social and economic particularities of each State, in addition to creating information networks, exchanging expertise and organizing training programmes so as to improve knowledge about international law, especially in developing countries.

42. His delegation paid tribute to the Office of Legal Affairs and its specialized divisions and to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

43. **Ms. Kuret** (Slovenia) said that the rule of law was essential to international peace and security, sustainable development, respect for human rights and the fight against impunity. Much of the work of the United Nations in strengthening the rule of law at the national level accorded with her country's priorities, for example women's empowerment. Slovenia was currently holding preventive workshops for 900 refugee women in Lebanon and was engaged in a project in Jordan focusing on empowerment through the educational and vocational rehabilitation of Syrian refugee families.

44. Respect for international legal rules and compliance with international legal obligations were the very foundation of international relations based on the rule of law. Failure to implement the decisions and awards of international courts and tribunals constituted a failure to respect the rule of law. Slovenia abided by such decisions even if they presented a considerable financial burden and did not necessarily accord with its views or desired outcome. As a longstanding supporter of the International Criminal Court, it encouraged all States that had not done so to consider joining the Court, and it expressed strong support for the activation in 2017 of the Kampala amendments to the Rome Statute.

45. Slovenia welcomed the recent steps taken to combat impunity, including the establishment of the International, Impartial and Independent Mechanism for the Syrian Arab Republic and, more recently, the Security Council's authorization of the establishment of a team to investigate acts that might amount to atrocity crimes committed by ISIL in Iraq.

46. Her delegation welcomed the Secretary-General's approach to identifying specific challenges and the need for further efforts to strengthen the effectiveness, coherence and sustainability of United Nations rule of law assistance. Future discussions were needed on how to improve the format and promote the inclusiveness of that initiative. Her Government also reiterated its proposal that the rule of law subtopic at the seventy-third session of the General Assembly should be devoted to the implementation of the rule of law dimensions of the 2030 Agenda for Sustainable Development.

47. Slovenia commended the efforts of the Office of Legal Affairs and its specialized divisions for their important contribution. In Slovenia, focus was being placed on awareness-raising in respect of international humanitarian law and human rights law as an important part of the training programme for the military and the police.

48. Since 2005, Slovenia had actively promoted education on children's rights, including the rights of child refugees and migrants, for nearly 190,000 children in 26 countries in Europe, the Middle East, Latin America and Africa through its "Our Rights" project and teaching materials. In 2016, a worksheet on child refugees had been produced for children in Slovenia.

49. The rule of law was the best guarantee of freedom, dignity and prosperity for all people. It was an essential prerequisite for successful cooperation between nations, the peaceful settlement of disputes and stability, predictability and progress in international and bilateral relations. Slovenia stood ready to contribute to strengthening and promoting the rule of law at the national and international levels.

50. **Mr. Skinner-Klée** (Guatemala) said that his delegation endorsed the Secretary-General's call for Member States to engage in a frank and open dialogue on the effectiveness of United Nations rule of law assistance and, in particular, on ways in which its effectiveness, sustainability and coherence could be strengthened across the three pillars of the Organization. It agreed that the Organization must do more to support the implementation of the rule of law elements of the 2030 Agenda for Sustainable Development, and that the rule of law had a clear impact, for example, on eliminating poverty, reducing inequalities, supporting gender equality, protecting the environment, creating just, inclusive and strong institutions, guaranteeing access to justice and combating corruption and impunity. United Nations bodies must promote better coordination between the three dimensions of development.

51. His Government attached great importance to strengthening the rule of law by ensuring access to justice for all. It recognized the importance of a free, independent and effective judicial system to which everyone had access without discrimination. Ensuring access to justice meant making people aware of their rights and of the mechanisms for ensuring respect for

those rights. In addition, justice must be timely, judgments must be enforced and the justice system must be responsive and efficient.

52. The rule of law was also an essential component of initiatives to consolidate and maintain peace, and it was a decisive factor in the promotion and observance of human rights.

53. Guatemala valued the assistance it had received from the United Nations Development Programme, from the Office of the United Nations High Commissioner for Human Rights and from the International Commission against Impunity in Guatemala with regard to the strengthening of its capacity for the investigation and prosecution of human rights violations and the dismantlement of clandestine groups operating in the State apparatus. The International Commission against Impunity in Guatemala, set up at the express request of his Government, was tasked with overcoming structural obstacles to improving the country's capacity to combat impunity. Guatemala valued the cooperation established with the United Nations and donor countries and was confident that, at the end of the Commission's mandate, State institutions would have the tools to meet their responsibilities.

54. His delegation called on Member States to work with the United Nations to strengthen alliances and cooperation, make technical knowledge more available and share positive experiences so as to improve United Nations assistance. It urged the Secretary-General to include in his report to the seventy-third session of the General Assembly specific measures to make United Nations rule of law assistance even more effective, sustainable, cross-cutting and coherent, in line with its programme of reform.

55. **Mr. Millogo** (Burkina Faso) said he welcomed the United Nations assistance in Africa in strengthening judicial and security structures, reducing armed violence and ensuring access to justice for groups with special needs, in particular women and children.

56. There was no single model for the development of the rule of law; any action to that end must be based on domestic solutions and the specific context of each country, bearing in mind that the rule of law and democracy meant that citizens could influence national and local governance by participating at regular intervals in choosing their leaders, in conformity with the law.

57. The decision of the citizens of Burkina Faso to build a State that respected individual rights and democratic standards was reflected in the strengthening of the country's judicial framework for the ratification of the main international human rights instruments. A constitutional commission composed of representatives of the political parties, civil society, defence and security forces, legal experts and environmental protection advocates had been put in place to elaborate a new constitution that reflected the changing social and political circumstances in the country.

58. Following a wide-ranging consultation with the people of Burkina Faso, the commission had submitted a preliminary draft constitution to the President that would soon be voted on in a referendum. The objective of the new constitution was to strengthen guarantees of human rights and fundamental freedoms and ensure a better balance of powers and the independence of the judiciary. The reform of the National Commission of Human Rights to bring it into line with the Paris Principles was continuing.

59. The succession of terrorist attacks in the country had strengthened the Government's conviction that the judicial framework needed to be adapted to the new situation. To enhance the independence of the judiciary, a permanent secretariat of the Supreme Council of Justice had been established and new courts had been built. A programme for the recruitment and training of judges had been set up and financing for the legal aid fund increased to ensure access to the courts for all, including persons living in poverty.

60. The Government continued to organize training on respect for human rights and international humanitarian law for members of defence and security forces. It had also launched awareness-raising initiatives on civic responsibility and citizenship for young people.

61. Burkina Faso was firmly committed to complying with the international legal instruments to which it was a party and to cooperating with mechanisms for the protection and promotion of human rights. It had drafted a road map to implement the recommendations made by the Committee on Enforced Disappearances, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee following the submission of its 2016 country reports to those bodies.

62. Respect for the rule of law was a prerequisite for durable international peace and stability. The rule of law at the national and international levels was a guarantee of sustainable development and must be a priority for States.

63. **Ms. Chernysheva** (Russian Federation) said that her delegation had consistently advocated the strengthening of an international and national order based on unswerving respect for internationally

accepted principles of international law, specifically those set out in the Charter of the United Nations. Greater attention should be given to the question of ways and means to further disseminate international law to strengthen the rule of law, and her delegation looked forward to more detailed information on the subject in subsequent reports of the Secretary-General. It was interested in the section of the Secretary-General's report on making United Nations rule of law assistance more effective and coherent, but believed that the Third Committee was the right place for discussing matters relating to planning and carrying out peacekeeping operations.

64. In the future, States would have to determine the role of the Global Focal Point for Police, Justice and Corrections Areas in the Rule of Law in Post-Conflict and Other Crisis Situations, bearing in mind that it was merely based on an internal administrative decision taken by the United Nations..

65. Her delegation continued to believe that the Sixth Committee should focus on the international dimension of the rule of law. In that connection, it was important to have detailed information on mechanisms that enjoyed universal support, and her delegation regretted that the International Court of Justice, one of the six main organs of the United Nations, was mentioned in the report simply in passing. Moreover, the focus in the report had shifted to non-United Nations bodies, such as the International Criminal Court. The scope of relations between the Court and the United Nations was restricted by a special agreement. Nor was it clear to her delegation why the report dealt with an illegitimate "mechanism" to investigate crimes in the Syrian Arab Republic which the General Assembly, exceeding its powers, had established in violation of the Charter. The Russian Federation reiterated its call to the Secretary-General and Member States not to provide any support for it whatsoever.

66. Her delegation was pleased that the report emphasized the need for United Nations support to be provided to States solely when requested by national authorities and that at the national level, there was no single model for the development of the rule of law. The choice of State structure, governance and organs of State power was an internal matter and was inseparable from the principles of equality of States, State sovereignty and non-interference in the internal affairs of States. While not downplaying the value of United Nations assistance to States in making their constitutions and improving their legislation, such assistance should be provided solely at the request of the country concerned and with due regard for its national strategies and priorities. A comprehensive analysis of the cultural, historical, legal, religious and other particularities of the unique model of the rule of law specific to each State should be an essential part of steps taken by the United Nations to strengthen the rule of law at the national level.

67. The Russian Federation was prepared to work with all interested parties in promoting the rule of law at the international and national levels.

68. **Mr. Saikal** (Afghanistan) said that United Nations support for Afghanistan over the past 17 years had been crucial in enabling it to make great progress towards becoming a stable and self-reliant country grounded in the rule of law. The National Unity Government was working to consolidate the rule of law as an imperative for promoting stability, security and national welfare.

69. A solid foundation was in place to bring stability to Afghanistan. Under the National Peace and Development Framework, a major overhaul of security, judicial and other institutions was being conducted to enhance their transparency, effectiveness and accountability.

70. The High Council on the Rule of Law and Anti-Corruption, the overarching body spearheading national efforts to strengthen good governance, had recently approved a new, wide-ranging strategy to address the problem of corruption. The Anti-Corruption Justice Centre was taking measures to investigate, prosecute and hold to account officials involved in illegal activities; 21 cases had been completed, including some involving senior government officials.

71. Afghanistan was establishing a merit-based process for the recruitment of officials at all levels. The National Procurement Commission had led to substantial progress in promoting transparency in the issuance of government contracts. In addition, at the Senior Officials Meeting in Kabul, his Government had just presented an update on the reform commitments made at the 2016 Brussels Conference on Afghanistan.

72. His delegation welcomed the commitment of the United Nations Counter-Terrorism Committee Executive Directorate to scale up its assistance in counter-terrorism capacity-building. During its visit to Kabul, earlier in the year, the Directorate had identified a number of areas for new cooperative initiatives with Afghan agencies, including support for strengthening judicial institutions to investigate and prosecute cases of terrorism. His Government looked forward to the Directorate's meeting with donor countries in the weeks ahead to focus on the implementation of key recommendations of the visit outcome report.

73. Ensuring a more efficient and effective United Nations system was imperative for enhancing its role in advancing the rule of law nationally and internationally. In that connection, his delegation underscored the need to reform the Security Council so that it could better address the pressing challenges of the day.

74. **Ms. Al-Juboori** (Iraq) said that her country had always been committed to international instruments and agreements and to respect for the rule of law at the national and international levels. That had been confirmed in the 2005 Constitution, which enshrined the principles of respect for State sovereignty, non-interference in the internal affairs of States and settlement of conflicts by peaceful means and dialogue.

75. In 2012, a memorandum of understanding had been concluded between the Ministry of Justice of Iraq and the United Nations Assistance Mission for Iraq (UNAMI) on visits to Iraqi prisons and detention centres. The Human Rights Office of UNAMI was monitoring the human rights situation in Iraq in close cooperation with her Government and non-government sectors. Iraqis were receiving training on rules governing the treatment of prisoners and detainees.

76. Iraq complied with international instruments and agreements, including the United Nations Convention against Transnational Organized Crime, to which it had acceded in 2013, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. In 2012, it had enacted Law No. 28, on trafficking in persons, in order to curb the spread of that crime, address its consequences and punish the perpetrators. In accordance with Order 75 of 2012, a commission had been set up to take preventive measures to reduce poverty, unemployment and exploitation. The law on human organ transplantation had been amended to prevent organ trafficking and to prosecute perpetrators. In 2008, Iraq had acceded to the United Nations Convention against Corruption. The national body tasked with combating corruption had provided legal assistance to the competent authorities in accordance with article 46, paragraph 13, of the Convention. A national academy against corruption had been put in place to oversee the fight against corruption nationally and internationally.

77. Iraq valued the assistance received from the United Nations Development Programme (UNDP) in building stronger, accountable and legitimate institutions for strengthening the rule of law. It looked forward to greater support from the international community for drafting a plan to reform the security sector and enable it to eliminate all forms of violence and strengthen the rule of law at the national level. In 2015, a strategic partnership had been created between UNDP and the national security service to help promote security and justice by building the capacities of civil society. UNDP also provided documentation assistance in Iraq to refugees and displaced persons in respect of, for example, the issuance of birth certificates to children of unknown, unidentified ISIL fighters and divorce certificates to women who had been forced to marry ISIL fighters.

78. Iraq was working to build strong civil institutions based on transparency, fairness, respect for human rights and freedoms, dignity and enforcement of national law, in line with international principles, obligations and standards, and international agreements on the rule of law.

79. **Ms. Argüello González** (Nicaragua) said that her country espoused the rule of law and recognized the State's responsibility to maintain democracy, sovereignty, transparency and equity in all spheres. Nicaragua had shown its commitment to the restoration of the economic, political, social and cultural rights of the population, with particular emphasis on the human rights of women and children. Work in Nicaragua was continuing with a view to restoring the rights of all citizens to health, education, access to land and to justice and to live in peace.

80. A strengthening of the rule of law called for respect for the legal institutions of all States, recognition of the sovereign right of States to choose their form of government and respect for the right of peoples to self-determination.

81. Her delegation reiterated the importance of maintaining a balance in the development of the national and international dimensions of the rule of law. The rule of law at the international level needed to be given closer attention in the United Nations. The Charter of the United Nations and the principles contained therein were essential to promoting international relations based on the rule of law.

82. Nicaragua was committed to any initiative that would help to reinvent the United Nations in response to the growing demand for a democratic organization that would serve the interests of security, justice, and peace in the world. The peaceful settlement of disputes through dialogue and negotiation was the only option. The work of the International Court of Justice not only contributed to the promotion, consolidation and dissemination of the rule of law, but was also essential to the fulfilment of commitments to ensure the sovereign equality of all States, a fundamental principle of the United Nations.

83. **Ms. Granda Averhoff** (Cuba) said that the true rule of law began with a reformed United Nations that set a standard for transparency, democracy and the participation of the entire international community in the solution of critical global problems. As part of that reform, the central role of the General Assembly, the only body with universal membership, must be consolidated in order to strengthen the rule of law. Cuba also reiterated its commitment to bringing about a far-reaching reform of the Security Council in order to make it into an inclusive, transparent and democratic forum that reflected the true interests of the international community. At present, some of the members of that body openly violated international law and the decisions of the Council itself, with a view to imposing their political agenda and to achieving military domination over the developing countries.

84. Sovereign equality, good-faith compliance by States with their obligations, the peaceful settlement of disputes, the non-use or threat of use of force against the territorial integrity or political independence of any State and non-interference in the internal affairs of other States must be the basic principles governing the actions of all States. Cuba condemned any attempt to overturn or replace national authorities or to foment internal conflict in sovereign States with the aim of imposing external agendas.

85. Promotion of the rule of law started with due respect for the legal institutions of all States and recognition of the sovereign right of peoples to create the legal and democratic institutions that best corresponded to their political and cultural interests. Cuba accordingly viewed with concern attempts to impose certain conceptions of the rule of law and to politicize the discussion of the subject.

86. Apart from formal legislation, the true rule of law called for the unequivocal rejection of any unilateral acts or measures such as the promulgation of extraterritorial legislation and the politically motivated exercise of jurisdiction by national or international tribunals. Cuba called for the revocation of the extraterritorial legislative acts instituting the economic embargo that had been in place against it for over 50 years.

87. **Mr. Mpongosha** (South Africa) said that the rule of law was a critical component in building peace, preventing conflicts and meeting the Sustainable Development Goals of the 2030 Agenda. Referring to the subtopic on ways and means to further disseminate international law to strengthen the rule of law, he said that, with a view to promoting the dissemination of international law at the regional level, South Africa had participated in the Fifth Forum of the African Union Commission on International Law, on the role of Africa in developing international law, hosted by Ghana in December 2016. A number of salient themes emanating from the Forum spoke directly to the Secretary-General's report (A/72/268).

88. The Constitution of South Africa contained a provision setting forth the primacy of the Constitution and the rule of law. The courts must ensure that interpretations of legislation were consistent with international law. Some of the clauses in the Constitution referred expressly to international law. When interpreting the Bill of Rights, a court, tribunal or forum must promote the values that underlay an open and democratic society based on human dignity, equality and freedom, in line with international law. Moreover, the content of international law must itself be fair if it was to promote the rule of law. States and international organizations must consider whether the rules being elaborated met that criterion.

89. **Mr. Bukoree** (Mauritius) said that the rule of law was an underlying principle of the Constitution of Mauritius and had contributed significantly to its economic growth, because political stability, coupled with a legal system that strictly adhered to the rule of law, had enabled the country to attract foreign investment and international business and benefit from economic opportunities.

90. The Constitution required that legal processes, institutions and substantive norms must be consistent with human rights, including the core principles of equality under the law, accountability before the law and fairness in the protection and vindication of rights. It guaranteed protection of the right to life, the right to personal liberty, protection from slavery, forced labour and inhuman treatment, protection of property, protection of the privacy of the home and other property, protection of the law, freedom of conscience, expression, assembly and association, freedom to establish schools, freedom of movement and protection from discrimination. All international treaties to which Mauritius acceded had been incorporated into national legislation.

91. Disputes between States should be settled peacefully, and force should be resorted to only in accordance with the Charter of the United Nations. Unfortunately, some States referred to the notion of exceptionalism and refused to comply with the rulings of international tribunals. It was more important than ever for international law to be based on equality of States, and not on "might makes right". Otherwise, the rule of law would be constantly flouted.

92. *Ms. McDougall (Australia), Vice-Chair, took the Chair.*

93. **Mr. Yang** Jaiho (Republic of Korea) said that efforts to confront the challenges of climate change, global terrorism, human rights violations, inequality, poverty and the displacement of refugees and migrants must be grounded in a rule-based international order. With regard to the subtopic on ways and means to further disseminate international law to strengthen the rule of law, his delegation stressed the importance of disseminating international law and devising efficient means to do so. That would not only help address various global and regional challenges but also promote and advance the rule of law.

94. Many States were facing a scarcity of resources for dissemination of international law, and the need for enhanced capacity-building was greater than ever. In that connection, his delegation commended the activities of the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, especially those of benefit to persons from developing countries. It appreciated that the Codification Division of the Office of Legal Affairs continued to disseminate legal publications and information online, along with the publication of a handbook. It also commended the work the Rule of Law Coordination and Resource Group and the Rule of Law Unit for conducting projects to deliver more targeted support to Member States and to enhance the impact of rule of law efforts on people's lives.

95. The Republic of Korea had a number of institutions and research organizations that focused on international law issues, frequently held workshops and seminars on specific topics of international law and regularly published academic journals. The Centre for International Law, established in November 2013 under the auspices of the Korea National Diplomatic Academy, had launched the Seoul Academy of International Law in 2016 with a view to training and educating persons working in the field of international law on current international legal issues, such as peace and security, international investment law, the law of treaties and international law in East Asia. In 2017, it had held nine two-week courses for 46 participants, including diplomats, legal practitioners, scholars and researchers from 24 countries in Asia and the Pacific.

96. The Republic of Korea had committed itself to strengthening the rule of law at the international level through various programmes and activities, including education and training for government officials and other professionals from developing countries on the implementation of international instruments on the oceans, such as the United Nations Convention on the Law of the Sea.

97. The Republic of Korea had been contributing since 2011 to various activities for the dissemination of international trade law through the UNCITRAL Regional Centre for Asia and the Pacific in order to provide capacity-building and technical assistance for States in the region and to support public, private and civil society initiatives to enhance international trade and development. His Government would continue to support the operation of the Regional Centre until 2021 and to provide a legal expert for technical cooperation and assistance.

98. The Republic of Korea had also been active in the dissemination of international criminal law. In close cooperation with the International Criminal Court and the European Commission, it had hosted the eighth High-Level Regional Seminar of the Court in April on the theme "The ICC and Asia: the joint quest for justice, accountability and prevention" to discuss ways to strengthen cooperation on international criminal justice matters and promote ratification of the Rome Statute in the region.

99. His delegation commended United Nations efforts to highlight the utility of its electronic database and resources for providing easy access to information and disseminating legal publications and material, and it encouraged the Organization and Member States to make greater efforts to tap the possibilities stemming from technological progress in the years to come.

100. Education was one of the cornerstones of efforts to promote the rule of law and disseminate international law. States should include the fundamental principles and concepts of international law in their basic education programmes in order to heighten the awareness of future generations of the vital role of the rule of law and the close linkage between it and the universal values of the international community, including the three pillars of the United Nations.

101. The Republic of Korea reaffirmed its commitment to the promotion and advancement of the rule of law at the national and international levels, which was essential for the realization of the 2030 Agenda for Sustainable Development, the protection of human rights, the maintenance of peace and the prevention of conflicts, and peaceful coexistence and cooperation among States.

102. **Ms. Rugwabiza** (Rwanda) said that her Government commended United Nations efforts to promote the rule of law. The Constitution of Rwanda was built on the principles of equal rights and equal

treatment of all persons without any distinction. It guaranteed fundamental rights and freedoms for all.

103. Laws were only as good as their implementation, and implementation was only as good as the fairness underpinning it. Like many other delegations, Rwanda reiterated its call for a mechanism that ensured fair and just application of laws and principles agreed upon by the Member States, in particular those enshrined in the Charter of the United Nations. Equality was the essence of the rule of law, which was a common denominator of peace and security, development and human rights. The principles of the rule of law were critical to the realization of social and economic justice and to the implementation of the political, economic, cultural and religious rights to which Rwanda was committed.

104. At the international level, the imperatives for ensuring practical equality among States required guaranteeing inclusiveness in the development of international law and a fair and just application of those laws and principles. The international justice system, based on the international judicial institutions, must be strengthened to promote adherence to the principles of the Charter and international law and must avoid bias and political manipulations by some Member States. Good governance at the international level was fundamental to strengthening the rule of law.

105. The rule of law at the national level could be improved by strengthening national ownership of reform initiatives and giving a key role to country-level assessments. The tragic past of Rwanda and its experience in uprooting decades of discrimination and widespread human rights violations was the context in which it applied the rule of law to build a unified, reconciled nation. Home-grown solutions, such as the *gacaca* traditional courts, had served Rwanda better than any other system in prosecuting all those who had participated in the genocide against the Tutsis in the 1990s.

106. **Ms. Samarasinghe** (Sri Lanka) said that strengthening the rule of law at the national and international levels was a common responsibility of Member States. As a nation that had recently suffered from terrorist attacks and a culture of impunity, Sri Lanka was acutely conscious of the need for the rule of law to work in tandem with the independence of the judiciary and the separation of powers.

107. In times of transition from conflict, recognition of victims' rights promoted civic trust and strengthened the rule of law. States had a duty to guarantee that violations did not recur and to reform institutions that proved incapable of preventing abuses. Moreover, in societies where human frustration was prevalent and the rule of law was threatened, the empowerment of women was particularly important.

108. Structural inequalities hindered the access of women and girls to justice, hence the need to ensure a gender-responsive legal system and international order and to have gender-sensitive policies. Sri Lanka had ratified the main international human rights instruments and policy documents relating to discrimination and violence against women. In September, it had signed the Secretary-General's voluntary compact on preventing sexual exploitation and abuse in peacekeeping operations.

109. At the international level, the rule of law must be based on an order grounded in the principles of sovereign equality and non-interference, non-use of force or the threat of force and the peaceful settlement of disputes. The principle of sovereign equality was of particular importance, as it ensured that all States had an equal opportunity to participate in the international law-making process. It also protected developing States from the harshness of an unequal world. Specific social, religious, philosophical and cultural factors had played a significant role in the evolution of the rule of law in different regions. The rule of law could therefore not be enforced from the outside, nor could it be made to conform to an external prescription that ignored domestic realities.

110. The codification and development of international law was a key aspect of the rule of law at the international level. The International Law Commission made a valuable contribution in that regard, as did the International Court of Justice, through its jurisprudence. Her delegation commended the important work of the Office of Legal Affairs in strengthening multilateral treaty-making processes, but also noted that developing States faced challenges to their participation, including insufficient financial and administrative resources and lack of legal expertise. The United Nations had a crucial role to play there by assisting States with capacity-building.

111. **Ms. Pobee** (Ghana) said that the rule of law underpinned the 1992 Constitution of Ghana, ensuring that government institutions complied with the tenets set forth therein. The principles of separation of powers and independence of governmental institutions had been gradually embedded in the national culture over the years.

112. Her delegation welcomed the emphasis placed in the Secretary-General's report (A/72/268) on issues relating to capable and accountable justice and security institutions, community-oriented security and armed violence reduction, access to justice for marginalized

groups, security and justice for women and girls, and a culture of lawfulness in the promotion of the rule of law. It expressed appreciation to the Rule of Law Unit for the briefings held throughout the year, and to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, whose capacity-building and technical assistance activities were crucial to realizing the full benefits of the rule of law at the national and international levels.

113. Access to legal representation and legal aid were provided for under the Constitution and reinforced by a number of legislative acts. A robust legal aid mechanism had been developed to ensure that all citizens of Ghana, especially the poorest and the most vulnerable, had fair access to the legal system. A person requiring such assistance received it, at government expense, in the form of representation through a lawyer, including in the steps preliminary or incidental to any proceedings or in arriving at a compromise to avoid proceedings. An example of such assistance was a programme that afforded prisoners on remand access to legal representation.

114. With regard to the case of *Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire)*, which was referred to in paragraph 48 of the Secretary-General's report, it was gratifying that both countries had accepted the verdict in good faith and had made a joint declaration to that effect. Ghana called on all States to follow that example and to resort to the rule of law to settle such disputes peacefully.

115. **Mr. Hitti** (Lebanon) said that although there was no agreed definition of the concept of the rule of law, it was based on intangible values such as equality before the law, accountability and guarantees of fundamental rights. A strengthening of the rule of law did not require the drafting of new norms, but rather a better respect for and implementation of existing international treaties, above all the Charter of the United Nations. His delegation referred in that connection to the role of small States in advancing the rule of law, for example that of Lebanon in the drafting of the Universal Declaration of Human Rights.

116. The dissemination of the rules and principles of international law was essential to guarantee their respect by States and individuals. In Lebanon, a committee had been established in 2010 to elaborate a plan for incorporating international humanitarian law into domestic legislation and to ensure its dissemination.

117. The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law contributed to consolidating the three pillars of the United Nations through its regional programmes and its Audiovisual Library of International Law. Lebanon called once again for the Programme's activities to be funded under the regular budget. The International Law Commission had also made a major contribution to the promotion of the rule of law.

118. Respect for the decisions of international tribunals furthered friendly relations between States and the peaceful settlement of disputes. In that connection, State compliance with the rulings and advisory opinions of the International Court of Justice was crucial, and his delegation recalled that, pursuant to Article 93 of the Charter, all Members of the United Nations were *ipso facto* parties to the Statute of the Court.

119. **Mr. Mendoza-García** (Costa Rica) said that promotion of and respect for the rule of law at both the international and the national levels were crucial to making progress towards peace, stability, democracy, respect for human rights and sustainable development. His country's experience and international evidence had shown that countries in which the rule of law prevailed were able to ensure better living conditions for their citizens. Sustainable development could only be achieved if there were sound, legitimate institutions through which the Sustainable Development Goals of the 2030 Agenda could be met.

120. Ensuring access to justice for all, especially for vulnerable population groups, was the duty of all States. Patterns of social and economic exclusion, however, militated against true access to justice and were a catalyser of radicalization. His delegation agreed with the Secretary-General that development was the best ally in preventing domestic conflicts.

121. At the international level, respect for the rule of law meant full compliance with the international legal framework. In that connection, Costa Rica had deposited four international instruments over the past year. It was committed to the peaceful settlement of disputes using the legal machinery offered by international law. The International Court of Justice played a crucial role in the peaceful settlement of disputes between States and in the development of international law and the strengthening of the rule of law. All States should abide by its decisions in good faith. In addition, his Government noted with satisfaction that the International Criminal Court was gradually bringing to justice those responsible for the worst violations of international law and crimes against humanity. His delegation urged all States that had not yet done so to ratify the Rome Statute and the

amendments thereto, bearing in mind their responsibility to the victims of mass atrocities.

122. **Mr. Tupouniua** (Tonga) said his delegation commended the Office of Legal Affairs and its specialized divisions for their work in ensuring the dissemination of international law through the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, the electronic treaty database, the United Nations Audiovisual Library of International Law and other online resources, which had been of great assistance to Tonga in capacity-building.

123. The effective implementation of the 2030 Agenda for Sustainable Development was a priority for Tonga, which shared the view that the rule of law at the national and international levels played a critical role in promoting an environment that fostered the achievement of the Goals and the creation of genuine and durable partnerships. The United Nations must do more to support the rule of law elements of the Agenda and foster external partnerships to ensure its successful delivery. Tonga supported the proposal made by the Deputy Secretary-General the previous day for the inclusion of the implementation of the 2030 Agenda in the agenda of the Sixth Committee at the seventy-third session of the General Assembly.

124. Given the slow progress in addressing specific global issues within the development and strengthening of international law, information and guidance should be provided to Member States on gaps in international law and on actions that could help garner international political and financial support to close those gaps.

125. Tonga reiterated the importance of further dissemination of international law at the national level to better promote the rule of law, and of genuine and durable partnerships within the United Nations and with partners within and among States to ensure that small island developing States like Tonga had the appropriate capacity and institutions to engage and cooperate in furthering the rule of law at all levels. It thanked partners in the Pacific Island region and elsewhere that continued to collaborate with Tonga in that area.

126. **Mr. Simonoff** (United States of America) said that the rule of law at the international level was so fundamental that the Charter of the United Nations had identified the International Court of Justice as one of its main organs. The rule of law demanded that all people, in all corners of the world, whether stateless or not, enjoyed the benefits conferred by the Charter.

127. The rule of law at the domestic level entailed the possibility of subjecting the Government's decisions to judicial review. It meant that when a court ruled against the Government, even with regard to controversial governmental actions, the Government respected and abided by that ruling, and it meant that the applicable domestic constitutional framework was honoured whenever a governmental decision was challenged.

128. The rule of law at the domestic level required an honest, fair and just judiciary, and it functioned best when that judiciary was independent and impartial. Judges must not be swayed by political pressure and must not be susceptible to bribes or other corrupt influences. In order for populations to accept decisions, judges must be models of integrity, devoted to the rule of law.

129. With regard to the subtopic on ways and means to further disseminate international law to strengthen the rule of law, his delegation appreciated the valuable work of the Rule of Law Coordination and Resource Group and the Rule of Law Unit, and it commended private legal associations for their efforts to disseminate international law, such as the American Bar Association and the American Society of International Law, and the many schools in the United States with major international law programmes.

130. His delegation commended the Office of Legal Affairs for its work in disseminating international law to strengthen the rule of law. The Under-Secretary-General for Legal Affairs and the Assistant Secretary-General for Legal Affairs were engaged in important outreach by reporting on the latest developments in international law at meetings in New York and in other countries. His Government valued the important work of the Codification Division in disseminating international law to a broad audience, and in particular the successful efforts of those who worked on the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. He praised the efforts of the Treaty Section in providing timely information on treaty action and notifications on its website; of the Office of the Legal Counsel in negotiating and implementing new instruments advancing international criminal justice; of the General Legal Division in facilitating domestic prosecutions; and of the Division for Ocean Affairs and the Law of the Sea in promoting international understanding of the law in that area. Suffice it to say that the Office of Legal Affairs played a vital role in disseminating and strengthening the rule of law at the international level.

*The meeting rose at 1 p.m.*